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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,220	02/06/2002	Joseph E. Haring	HARINGPAT3	7643

7590

06/18/2003

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EXAMINER

SCHIFFMAN, JORI

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,220

Applicant(s)

HARING, JOSEPH E.

Examiner

Jori R. Schiffman

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-13 in Paper No. 4 is acknowledged. The traversal is on the grounds that the operation suggested by the examiner is "physically impossible". This is not found persuasive because the examiner did not suggest the sleeve be further advanced after it is locked, but rather that the entire process be continuous. Furthermore, another process of fastening the members could include threading the sleeve onto the first fastening member before it is attached onto the workpiece. The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cylindrical member being longer than the fastener member must be shown or the feature canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5, and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Poe (US 6302633).

Regarding claims 1, 5, and 7, Poe discloses a nut assembly 30 capable of joining two workpieces together comprising a first fastener member 36 having a first generally cylindrical inner bore provided with a first set of threads 58, a second fastener member 32 provided with a second set of threads 44 on an exterior surface for threadable engagement with the first set of threads and a second generally cylindrical bore provided with a third set of threads 42, the first, second, and third sets of threads all being cut in the same direction, and whereby a bolt 34 having a thread/shank interface is threadably advanced into the third set of threads of the second fastener member, the third set of threads contacting the thread/shank interface of the bolt, with further relative advancement rotation between the first and second fastener members causing the first fastener to be advanced past the thread/shank interface and contact a workpiece adjacent the assembly.

As to claims 2, 3, 8, and 9, Poe discloses the first and second fasteners being attached by an attachment 38 capable of providing resistance to turning of the second

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fastener within the first fastener so the second fastener is capable of initially making contact with the thread/shank interface and then additional torque would be required to break the attachment to advance the first fastener.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poe (US 6302633) as applied to claims 1 and 2 above, and further in view of Wallace et al. (US 3893496).

As to claim 4, Poe discloses the claimed nut assembly except for the first and second fasteners being attached by a bonding agent. Wallace teaches a bonding agent for threaded fasteners while still allowing for relative rotation. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a bonding agent to attach the first and second fasteners in Poe as disclosed in Wallace to provide friction so the fasteners will stay together while still allowing for relative rotation.

7. Claims 6, 13, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poe (US 6302633) as applied to claims 1 and 7 above, and further in view of Lang et al. (US 5066180).

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As to the claims, Poe discloses the claimed nut assembly except for two coplanar members with threaded member extending through openings to attach the members.

Lang teaches two coplanar members 12, 20 each having an opening through which a threaded member extends. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include at least two coplanar members with openings for threaded members on the assembly of Poe as disclosed in Lang to fixedly attach the nut assembly to a workpiece. In regards to claims 19 and 20, once the combination is made, Poe discloses the first fastener member capable of being fixedly attached to a workpiece, with rotation of the bolt compressing the workpieces together.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poe (US 6302633).

Regarding claim 10, it would be obvious to make the cylindrical member longer than the fastener member in Poe's nut assembly. The relative length of the two fastener members is considered a design choice since it is not critical to the function of the assembly.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The following patents are cited further to show the state of the art with respect to nut assemblies in general: U.S. Pat. No. 2374548 to Leisure, U.S. Pat. No. 5492388 to Kawasaki, U.S. Pat. No. 5288191 to Ruckert et al., and U.S. Pat. No. 5697592 to Matheny et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.

Jori R. Schiffman
Examiner
Art Unit 3679

JS
June 13, 2003


Flemming Saether
Primary Examiner